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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 (SAN JOSE DIVISION)
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15 DAVID HO, on behalf of himself and
16 others similarly situated and on behalf
17 of the general public and DOES 1-20

18 Plaintiff,

19 v.

20 ERNST & YOUNG, LLP

21 Defendant.

Case No.

**DECLARATION OF S. ADAM
SPIEWAK IN SUPPORT OF
DEFENDANT ERNST & YOUNG
LLP'S NOTICE OF REMOVAL OF
ACTION**

**(SANTA CLARA SUPERIOR
COURT CASE NO. 105CV049741)**

1 I, S. Adam Spiewak, certify and declare as follows:

2 1. I am an attorney at law duly licensed to practice in the Northern District of
3 California and an associate in the law firm of Akin Gump Strauss Hauer & Feld LLP,
4 attorneys of record for Defendant Ernst & Young LLP ("Ernst & Young") in this action.
5 I have personal knowledge of the facts stated herein, and if called and sworn as a
6 witness, I would and could testify competently under oath thereto. I submit this
7 declaration in support of Defendant Ernst & Young LLP's Notice of Removal of Action.

8 2. On September 27, 2005, a putative class action was commenced and is
9 currently pending against Ernst & Young LLP in the Superior Court of California,
10 County of Santa Clara, as Case No. 105CV049741, entitled DAVID HO, on behalf of
11 himself and others similarly situated and on behalf of the general public and DOES 1-
12 20, Plaintiff, vs. ERNST & YOUNG LLP, Defendant.

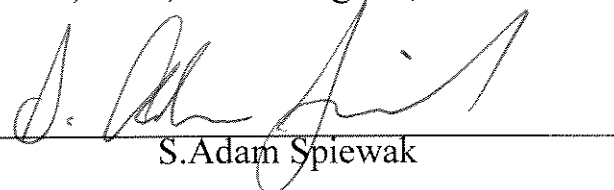
13 3. Attached hereto as **Exhibit A** is a true copy of the Summons, Civil Cover
14 Sheet, Complaint, Civil Lawsuit Notice, and Santa Clara County Superior Court
15 Alternative Dispute Resolution Information Sheet, as served on Ernst & Young by
16 facsimile on October 31, 2005.

17 4. Attached hereto as **Exhibit B** is a true conformed copy of Ernst & Young
18 LLP's Answer to Plaintiff's Unverified Complaint, filed in Santa Clara Superior Court
19 on November 23, 2005.

20 5. There have been no further proceedings in case number 105CV049741, and
21 no other pleadings have been filed and served upon Plaintiff or Ernst & Young in this
22 action.

23 I declare under penalty of perjury under the laws of the United States that the
24 foregoing is true and correct.

25 Executed on this 28th day of November, 2005, in Los Angeles, California.

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28 S. Adam Spiewak